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Report of the Security Council Mission to East Timor and Indonesia

(9-17 November 2000)

I. Introduction

1. On 8 September 2000, the Security Council adopted resolution 1319 (2000). In his letter dated 25 October 2000 (S/2000/1030), the President of the Council informed the Secretary-General that the members of the Council had agreed to dispatch a Mission to East Timor and Indonesia from 9 to 18 November 2000. The terms of reference of the Mission were as follows:

(a) In East Timor, to review the progress in the implementation of Security Council resolution 1272 (1999);

(b) In Indonesia, to review the implementation of Security Council resolution 1319 (2000).

2. Following consultations among the members of the Security Council, it was decided that the composition of the Mission would be as follows:

Namibia (Ambassador Martin Andjaba, head of the Mission);

Argentina (Minister Luis Enrique Cappagli);

Malaysia (Ambassador Hasmy Agam);

Tunisia (Ambassador Othman Jerandi);

Ukraine (Ambassador Valeri P. Kuchynski);

United Kingdom of Great Britain and Northern Ireland (Ambassador Stewart Eldon);

United States of America (Ambassador Nancy Soderberg).

II. Activities of the Mission

3. Prior to the departure of the Mission, the members of the Mission met informally with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and of Member States contributing military or civilian police personnel to the United Nations Transitional Administration in East Timor (UNTAET) and with Mr. Jose Ramos-Horta, the East Timorese cabinet member for foreign affairs. The purpose of these meetings was to hear a broad range of views from other interested parties before the Mission's departure.

4. The Mission left New York on 9 November, and visited East Timor (12 and 13 November) at the invitation of the Special Representative of the Secretary-General and Transitional Administrator for East Timor, Mr. Sergio Vieira de Mello, and West Timor and Jakarta (14-17 November) at the invitation of the Government of Indonesia. The members of the Mission expressed their gratitude to the Special Representative of the Secretary-General and UNTAET officials, and to the Indonesian authorities, for facilitating the visit, which allowed them to see at first hand the situation in East Timor and the work of UNTAET, as well as the refugee situation in Kupang and Atambua.

5. In East Timor, the Mission held extensive discussions on the implementation of Security Council resolutions 1272 (1999) and 1319 (2000) with the Special Representative of the Secretary-General and senior civilian and military personnel in UNTAET, the

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Cabinet of the East Timor Transitional Administration, the Armed Forces for the National Liberation of East Timor (FALINTIL) Commander, nine diplomatic offices in East Timor (Australia, Brazil, Indonesia, Ireland, Japan, New Zealand, Portugal, the United Kingdom and the United States), and East Timorese non-governmental organizations, as well as leading figures in East Timor, namely, Xanana Gusmao, Jose Ramos-Horta and Mario Carrascalao. In Dili, the Mission visited the site of the Santa Cruz massacre and laid wreaths to mark the ninth anniversary of the killings. Members of the Mission visited the district of Suai in Sector West, and received extensive briefings by UNTAET civilian and military personnel, met with representatives of the community, and visited the site of the 1999 Suai church massacre, and a hospital rehabilitation project.

6. In Kupang, the Mission met and had extensive discussions with the Governor of East Nusa Tenggara, which includes West Timor, Piet Tallo, the Udayana Military Commander, Major-General Kiki Syahakri, the Chief of Police of East Nusa Tenggara, Brigadier-General E Made Mangku Pastika, representatives of the Ministry for Foreign Affairs, and local government, as well as non-governmental organizations. The Mission visited the regional police office to witness the destruction of a number of confiscated weapons, and the Noelbaki refugee camp. In Atambua, the Mission visited the Haliwen refugee camp as well as the Umaklaran resettlement site, and held discussions with representatives of civil society and non-governmental organizations. Members of the Mission laid flowers at the UNHCR office, in honour of those killed on 6 September 2000. They were briefed on the events leading to the murders. In Jakarta, the Mission met with Vice-President Megawati Sukarnoputri, and senior government officials, including the Coordinating Minister for Political, Social and Security Affairs, Susilo Bambang Yudhoyono, the Speaker of the House of Representatives (DPR), Akbar Tandjung, Attorney-General Marzuki Darusman, and the Minister for Foreign Affairs, Alwi Shihab, as well as with representatives of the National Commission for Human Rights (Komnas HAM), the diplomatic community, United Nations agencies and non-governmental organizations.

III. Implementation of Security Council resolution 1272 (1999)

A. Security and law and order

7. The overall security situation in East Timor is relatively stable, with remarkably little general crime. Civilian police have now been deployed to all districts and all but 10 subdistricts. Training of the Timor Lorosae Police Service continues; however, budgetary constraints mean that at the current rate of training, the requisite force of 3,000 will not be realized until 2006. Accordingly, the Special Representative of the Secretary-General, Mr. Sergio Vieira de Mello, has recommended that a portion of the peacekeeping assessed budget should be reallocated from the international police presence to accelerate the training of the East Timor national police force. Nonetheless, it is likely that there will be a need for international civilian police to remain beyond the date of independence. **The Mission recommends that this should be factored into planning for the United Nations presence that will follow UNTAET and also recommends that the United Nations Development Programme (UNDP) and other relevant United Nations organizations should give urgent consideration to assisting in speeding up the training of the Timor Lorosae Police Service.**

8. A vital element in developing an effective system of law and order will be the establishment of a fully functioning judicial system. This has proved challenging in light of the total absence of local capacity in this area and the other pressing priorities placed on UNTAET at the beginning of its operations. While UNTAET has made progress in developing a court administration system, prosecution services, public defender's system and prison services, the judicial sector remains seriously under-resourced. Consequently, the current system cannot process those suspects already in detention, some of whom have been held for almost a year. Moreover, UNTAET is facing significant difficulties in bringing to justice those responsible for the serious violations of human rights that occurred in East Timor in 1999. **In these circumstances, it is particularly important for UNTAET to consider all available ways of attracting the necessary resources and that decisions on handling serious crimes investigations should, to the extent possible, reflect East Timorese**

expectations. The Special Representative of the Secretary-General informed the Mission that he intended to conduct a review of the justice sector, and would propose a solution to this pressing issue including ways of addressing the shortage of expertise and financial resources. The Mission welcomed this timely initiative and urges the Security Council to give it priority consideration.

9. UNTAET has made substantial progress in addressing the security threat posed by militia infiltration from West Timor. Several months ago, up to 150 militia, in groups of 20 to 30, were operating in the western and central sectors. The peacekeeping force has taken robust and decisive action, greatly facilitated by information provided by the local population, to combat the militia. This has resulted in a reduction of militia activity inside East Timor and the exfiltration of a number of militia to West Timor. The Mission supports UNTAET's approach to this threat. However, the continuation of the refugee crisis in West Timor, the ongoing presence of militia elements in refugee camps and the possibility of further large-scale returns, which in all probability will include militia, continue to constitute a source of instability throughout Timor island. The East Timorese have expressed a desire to have their own defence force on independence, along the lines recommended in Option Three of the recent study made by King's College London. The Transitional Cabinet of East Timor recently endorsed the proposal for a 3,000-strong force as recommended. The modalities for implementing this proposal will be determined at a donors' meeting to be held in Dili on 21 to 23 November. **As with the police, however, it seems highly likely that East Timor will require an international military presence in some form for some time after independence. This, too, should be factored into planning for a United Nations follow-on presence.**

B. Humanitarian situation

10. The humanitarian situation has passed its most pressing phase. However, East Timor will need continued resources as people re-establish their livelihoods and as long as the prospect of large additional refugee returns remains. The Mission learned that UNTAET, together with humanitarian agencies, had put in place the necessary contingency plans to cope with a significant refugee influx. **It is vitally important that this readiness should be maintained as a component of UNTAET's refugee return strategy.**

C. An effective administration

11. UNTAET is now a mission in full swing. A particularly positive and important development in fulfilment of the mandate of capacity-building for self-governance has been the acceleration of the "Timorization" of the administration. This is steadily endowing the East Timorese with ownership of, and responsibility for, their own decision-making. A number of Timorese District or Deputy District Administrators have been appointed, while legislative responsibility is now exercised through the all-Timorese National Council and executive powers by a Transitional Cabinet comprising five Timorese and four internationals, under the chairmanship of the Transitional Administrator. **Several non-governmental organizations conveyed the need for Timorization to be actively taken forward at all levels of the administration. The Mission endorses UNTAET's efforts in this regard, while emphasizing the need for capacity-building among the East Timorese.**

12. It is foreseen that in the coming weeks, the Transitional Administration, through the Cabinet and National Council and in dialogue with the East Timorese leadership, will develop a timetable and mechanisms, inter alia, for the electoral process, to take East Timor to full independence. The Special Representative of the Secretary-General expressed the hope that the outcome of these discussions would be presented at the forthcoming donors' meeting in Brussels.

D. Infrastructure

13. There has been major rehabilitation of public buildings and utilities in Dili, the capital and population centre of East Timor. The Mission was told that the education system is functioning throughout East Timor, together with a basic level of health care in many areas. However, the overall state of East Timor's infrastructure remains devastated. Matters of particular concern for the Mission were both the small amounts so far expended on reconstruction and the uneven rate of progress of the rest of the country compared with

Dili, particularly with regard to road reconstruction, power supply and the reconstruction of buildings. The Mission learned that while some funding was available for outstanding infrastructure needs, implementation of projects had been slow to materialize. This area requires a priority focus. In this regard, the Special Representative of the Secretary-General highlighted the need to have resources made immediately available for some urgent work of reconstruction (for example, of court buildings) and recommended that this be provided from the assessed budget, given the broad nature of UNTAET's mandate. **The Mission recommends that consideration be given to increased flexibility in the use of assessed resources allocated to complex peacekeeping operations such as UNTAET.**

E. Concluding comments

14. The Mission, and particularly those members who had visited East Timor during the last Security Council Mission in the wake of the Popular Consultation, was impressed by the progress made in implementing the mandate given to UNTAET in little over one year. However, this progress has not always been smooth. The Mission does not underestimate either the current difficulties in areas such as reconstruction and administration of justice, or the enormity of the challenges that remain in the lead-up to independence projected for the latter half of 2001. The Mission renewed its full support for the work of UNTAET. It also noted that the Council will soon have to take a decision on the extension of UNTAET's mandate through to independence. **It further recognizes that in all likelihood there will be a need for a strong international commitment to East Timor after independence, inter alia, through the provision of financial, technical and security assistance, if the aspirations of the East Timorese are to be fully realized. Planning for this should begin as soon as possible.**

15. The Mission would like to express appreciation for the Special Representative of the Secretary-General's invitation to the Security Council to visit East Timor and see at first hand how UNTAET's mandate is being implemented. The Mission found this to be a rewarding experience highlighting the dedication of both international personnel and East Timorese to working together to realize the aspirations of the people of East Timor, in the face of ma challenges.

IV. Implementation of Security Council resolution 1319 (2000)

16. Many of the hundreds of thousands of E Timorese displaced in the violence following Popular Consultation have returned to East Timor to establish their place in the community. Indones Ministers assured the Mission of their Governmer commitment to resolving the refugee issue. Th assurances are welcome. But more than one year la an estimated 120,000 remain in refugee camps in W Timor. Indonesian Ministers assured the Mission their commitment to resolving the refugee iss International efforts to resolve this crisis were hal by the murder of three UNHCR personnel in Atam on 6 September. In response to their tragic deaths, Security Council adopted resolution 1319 (2000) wh sought ways to bring about an immediate end to interrelated problems of the refugee crisis and security threat posed by the presence of militia. T Council Mission was able to gain a good first-ha appreciation of the complexity of the situation.

A. The refugee situation

17. In paragraph 4 of resolution 1319 (2000), Security Council called on the Indonesian authorities take immediate and effective measures to ensure safe return of the refugees who chose to go back East Timor. The situation of the refugees in the can in West Timor remains a cause of great concern. T Mission received reports by returning refugees to E Timor that militias continue to intimidate and spr misinformation in the camps. Further reports indica that refugees were being made to hand over money livestock in order to be allowed to return to East Tim With a view to obtaining first-hand information, Mission visited two refugee camps: Noelbaki n Kupang and Haliwen in Atambua. The Mission saw truly depressing conditions in which the refugees liv

18. The Mission was struck by the lack information on the conditions in East Timor, the ext of misinformation inside the camps and the cl potential for intimidation. Some of the refugees w whom the Mission met were concerned about the saf

and security situation in East Timor and the reception accorded to the returnees. The Mission sought to allay concerns by reiterating to refugees and community leaders that East Timorese leaders had given assurances that there would be security and safety for refugees upon their return, while emphasizing that those who had committed crimes during the turmoil in 1999 and subsequently would have to face the East Timorese legal system. Some refugees openly stated to the Mission that they would go back to East Timor only "with the red-and-white flag", implying Indonesian rule. **The Mission suggests that the Government of Indonesia work with UNTAET to develop and implement an effective and impartial information strategy to allow the refugees to make a voluntary and informed decision about their futures and to bring home to them that the result of the Popular Consultation must be accepted.**

19. The repatriation or relocation of refugees has become a pressing issue, given the plight of refugees in the dilapidated camps. The Mission noted that in order to deal with the issue, the Government of Indonesia has set up an inter-ministerial task force, which has already begun pilot registration projects, and the establishment of resettlement sites for those who choose to remain in Indonesia. One of these sites was visited by the Mission. **The Mission expresses its strong view that registration process should be apolitical thus precluding any role for pro-integration groups. For registration to be credible, there must be involvement of international personnel, in particular from UNHCR and the International Organization for Migration (IOM), a view shared by the Government of Indonesia. In accordance with paragraph 5 of Security Council resolution 1319 (2000), the Mission reiterates that UNHCR and other agencies will not be able to return to West Timor until security can be guaranteed, including real progress towards disarming and disbanding the militia. The Mission recommends that a team of security experts be dispatched by the United Nations to West Timor in cooperation with the Government of Indonesia to assess the security situation and to establish contacts with the Indonesian Armed Forces (TNI), the Indonesian National Police (POLRI) and other relevant parties. This would be in accordance with the usual modalities employed by the Office of the United Nations Security Coordinator to assess an area prior to any rerating of its security level.**

20. **The Mission also underscores that all stages of the return process must be carried out in safety and security without harassment, intimidation or extortion. It welcomes the intention of the Government of Indonesia to begin discussions shortly with the United Nations offices in Jakarta on arrangements to facilitate an assessment by United Nations security experts of the situation in West Timor. Recognizing that the Government of Indonesia will require financial assistance to resettle those refugees who choose to stay in Indonesia, the Mission welcomes the proposal that potential international donors visit West Timor, once security has been restored.**

21. UNTAET, the Government of Indonesia, UNHCR, IOM and the East Timorese leadership are developing plans for a pilot programme for the return of ex-TNI reservists from East Timor (MILSAS) and their families. The success of this programme may trigger others to follow suit. **The Mission recommends that UNTAET and the Government of Indonesia should actively pursue the possibility of other such ad hoc returns.**

22. **The Mission recommends that the outstanding issue of payment of pensions to former civil servants be resolved by Indonesia's commitment to honour outstanding pension obligations regardless of whether the beneficiaries choose to reside in Indonesia or East Timor. This would serve as a catalyst to encourage their return to East Timor to play a part in the Timorization of the administration and reintegrate fully into society.**

B. Security

23. Security Council resolution 1319 (2000) calls for the Government of Indonesia to take immediate additional steps, in fulfilment of its responsibilities, to disarm and disband the militia, restore law and order in the affected areas in West Timor, ensure safety and security in the refugee camps and for humanitarian workers, and prevent cross-border incursions into East Timor. During its visit to West Timor, the Mission was briefed on the efforts by the Government of Indonesia to fulfil these requirements. Measures taken include the deployment of additional security forces to conduct operations to disarm and collect weapons. The Mission witnessed the destruction of a number of these weapons. It was also apprised of the continued

detention of Eurico Guterres and six individuals allegedly involved in the UNHCR murders, and the progress of the investigations into those killings. **The Mission strongly hopes that these and other investigations of parties responsible for violent attacks and intimidation in East and West Timor will move swiftly through the Indonesian justice system.**

24. In a meeting with the Mission, Vice-President Megawati Sukarnoputri, informed the Mission of the Government of Indonesia's commitment to work with the United Nations to resolve residual issues that arise during the transition period; Ministers had been instructed to work with the Mission to give new impetus to the relationship. Later the same day, the Mission met with the Coordinating Minister for Political, Social and Security Affairs, Susilo Bambang Yudhoyono, and other Indonesian Government officials, who asserted that the militia had been disbanded in the sense that they no longer trained or operated in an organized fashion and that their structures and organization (Pro-integration Armed Forces P.P.I.) had been disabled in 1999. The Minister acknowledged ongoing intimidation by militia, whom he described as ex-militia elements, present in and around the refugee camps. Minister Yudhoyono stressed his commitment to focus on its eradication and undertook to report to the Security Council on Indonesia's plans for action to secure this objective. **The Mission welcomes this commitment, encourages further efforts and looks forward to the Coordinating Minister's report.**

25. In the Mission's opinion, based on the reports from recent returnees to East Timor from West Timor, and its discussions with refugees in the camps, the continued presence of militia, in whatever form, continues to be an impediment to the implementation of Security Council resolution 1319 (2000). **The Mission stresses the need for decisive action to deal with the remaining militias, in particular the leaders, to put an end to their activities once and for all, inter alia, through ongoing disarmament operations, separation of militia leaders and those engaging in intimidation from refugee communities, and the expeditious prosecution of militia leaders for the serious crimes they have committed. The Mission encourages efforts by all parties to isolate hard-line militia elements, in full accordance with the law.**

26. With the endorsement of the Mission, UNTAET met recently with three of the four militia leaders who have written two letters to the President of the Council and who appear to be seeking to return unconditionally to East Timor. **The Mission encourages a dialogue to facilitate their return, which could lead to substantial returns, and welcomes the Government of Indonesia's efforts to facilitate this matter.**

27. In both the immediate and long term, arrangements for close cooperation between the security services in both East and West Timor are essential to manage and contain the security situation. Useful relationships, both formal and informal, already exist between the peacekeeping force and the Indonesian military. **The Mission recommends that these relationships are further developed, and that a system of information exchange be established between the POLRI in West Timor and the UNTAET civilian police and Office of Human Rights Affairs, including taking action to follow up on information provided by UNHCR and UNTAET on alleged cases of intimidation. It welcomes efforts made so far by the Indonesian security forces in implementing its obligation to prevent cross-border incursions into East Timor and emphasizes the need for further efforts in this regard.**

C. Justice and reconciliation

28. One of the Mission's priorities was to focus on efforts to bring to justice the perpetrators of serious crimes committed in East Timor, as called for in Security Council resolutions 1272 (1999) and 1319 (2000) and on many other occasions by the Council. There are two parallel tracks, the first in East Timor and the second in Indonesia.

29. The Mission has noted shortcomings in the implementation of justice in East Timor (see above), given the absence of any capacity in this field when UNTAET started up. **It urged that measures be undertaken to address this problem in order to respond sufficiently to the expectation of East Timorese for justice.** Failure to cope with this challenge could have a negative impact on the country's ability to promote reconciliation and embrace a national political culture based on respect for human rights and accountability.

30. During the visit to Indonesia, the Mission conveyed its concern over the slow pace of the process in Indonesia to bring to justice the perpetrators of the 1999 campaign of violence in East Timor, including those who had organized and directed the atrocities. The Government of Indonesia reaffirmed its commitment to pursuing the investigations and prosecutions as a matter of priority. Attorney-General Marzuki Darusman informed the Mission that he expected the first trials to begin in January or February 2001. He confirmed that the trial of the pro-integration militia leader, Eurico Guterres, and those charged with the murder of the three UNHCR workers in Atambua, would take place in Jakarta in the near future. He also clarified that Guterres, inter alia, faced charges in connection with the incitement of violence and the violence committed in East Timor in 1999. The Attorney-General, as well as the National Commission for Human Rights (Komnas HAM), confirmed that the necessary legislation for the establishment of a human rights tribunal had been passed by the Parliament. The Attorney-General expressed appreciation for the technical assistance being provided by the United Nations on the basis of the offer made by the Secretary-General during his visit to Indonesia in February 2000, as well as the bilateral assistance of individual Governments. **The Mission welcomes this law and awaits the early establishment of the ad hoc courts**. Minister Darusman also indicated his intention to work closely with the Office of the United Nations High Commissioner for Human Rights and to establish a referral commission that included international experts. **The Mission welcomed this effort and recommended consideration of his request for international expertise. Both in West Timor and in Jakarta, the Mission emphasized the need to pursue and arrest those responsible for the deaths of United Nations peacekeepers Privates Leonard William Manning and Devi Ram Jaishi in East Timor. The Mission is concerned over the lack of progress in opening an investigation into the murder of Private Jaishi. The Mission regrets that thus far there has been no progress in bringing the perpetrators to justice and conveys its strong expectation that there should be progress soon**.

31. Reconciliation among the East Timorese has important implications for the return and reintegration of refugees, long-term political and social harmony in East Timor and good relations between East Timor and Indonesia. The Mission was impressed by the persistent effort being made by UNTAET to open the channels of dialogue with pro-integration East Timorese in West Timor. The Mission notes the efforts made by the Government of Indonesia in this area. It is regrettable that all these initiatives have not yet produced a satisfactory response from the pro-integration camp.

32. In meetings in Dili with the National Council of Timorese Resistance (CNRT) leadership, as well as community leaders engaged in an effort to establish a national reconciliation mechanism, the Mission was assured of their readiness to reconcile with those on the other side of the political divide while insisting that persons who might have committed serious crimes in East Timor should be brought to justice. The Mission urges East Timorese political and community leaders to continue their efforts to reassess pro-integration East Timorese of their readiness to reconcile.

33. While in Kupang, some members of the Mission met with representatives from UNTAS (Uni Timor Aswain), a political organization supporting East Timor's integration with West Timor. While this organization purports to represent the views of the refugees, there is no evidence to suggest that this is the case in reality. During this meeting, the representatives renounced violence and condemned the murders of the UNHCR workers. They continued, however, to reject the outcome of the Popular Consultation. The representatives of UNTAS stated to members of the Mission their commitment to reconciliation but insisted that this proceed without preconditions. In response, members of the Mission underlined that the question of justice for serious crimes and the results of the Popular Consultation could not be ignored if there was to be a lasting process of reconciliation. They also urged the pro-integration group to accept the reality of the independence of East Timor, thereby contributing to the reconciliation process. **The Mission encourages the Government of Indonesia to assist in securing public denunciations of violence as a means of pursuing political goals, as well as acceptance of the results of the Popular Consultation**.

34. However, reconciliation should not be limited only to political leaders. The delegation strongly encouraged community leaders in East Timor and East Timorese community leaders now in West Timor to establish direct community-to-community contacts with a view to building confidence and facilitating wider reconciliation. In this regard, **the recent joint initiative of Bishop Basilio do Nascimento of**

Baucau and Bishop Anton Ratu of Atambua to facilitate contacts between East Timorese in East Timor and refugee groups in West Timor is a commendable effort that should be fully supported.

D. Relations between Indonesia, UNTAET and East Timor

35. In its meetings in East Timor and Indonesia, the Mission encouraged the reinvigoration of bilateral talks between UNTAET and the Government of Indonesia on the practical implementation of a number of issues agreed to in the communiqué of 29 February 2000, signed by the Special Representative of the Secretary-General and Foreign Affairs Minister Shihab. While there has been welcome progress on a number of these issues, **the Mission is strongly of the view that the establishment and effective functioning of bilateral mechanisms are fundamental to fully normalizing relations between Indonesia and East Timor. The Mission also views as important the establishment of a land corridor between the Oecussi enclave and contiguous East Timor and urges the Government of Indonesia to work with UNTAET towards establishing an effective transit arrangement. It hopes that future meetings of the Joint Border Commission will contribute to achieving these objectives.**

36. The Mission offered to the Government of Indonesia some elements designed to give new impetus to various aspects of the complex relationship among Indonesia, UNTAET and East Timor. In addition to making a number of practical suggestions designed to reinforce existing mechanisms for cooperation, the elements covered a number of the main issues dealt with elsewhere in the present report. The Government of Indonesia agreed that a meeting of the Joint Border Commission should take place in November with a view to preparing for a subsequent meeting in December. Discussions on modalities will now proceed with UNTAET. They also indicated that they would shortly initiate discussions with the United Nations offices in Jakarta to facilitate an assessment by the United Nations security experts of the situation in West Timor. At the conclusion of the Mission, a joint press conference was held in Jakarta on 17 November, at which Foreign Affairs Minister Shihab and the head of the Mission, Ambassador Andjaba, issued press statements (see annexes I and II).

37. The Mission reiterates its thanks to UNTAET an the Government of Indonesia for the hospitali accorded to it throughout these visits.

Annex I

Statement to the press by the Minister for Foreign Affairs of Indonesia on the visit of the Mission of the Security Council

(17 November 2000)

1. I should like to begin by expressing my own personal, as well as the Government of Indonesia's satisfaction in receiving the visit by the Mission of the Security Council over the past four days. Our invitation to the Mission and your positive response testify to the positive line of communication between the Council and the Government of Indonesia in dealing with issues of common concern relating to the transition period in East Timor. Hence, it is to no one's surprise that a genuine spirit of friendship and cooperation has permeated throughout the Mission's visit.

2. Its two days of activities in Kupang and Atambua, followed by the past two days in Jakarta, will no doubt have given the Security Council Mission ample opportunity to witness first-hand the important strides that have been made by Indonesia in responding to Council resolution 1319 (2000). During the Kupang and Atambua phase of its visit, the Mission worked closely with, in addition to central government representatives, the representatives of the local government, and police as well as the Indonesian Armed Forces (TNI) regional command. In Jakarta, the Mission met with government ministers, with high-ranking officials and also, notably, with the Speaker of the House of Representatives (DPR). Just as important were the intensive contacts with the members of the civil society and also the meeting in Kupang with representatives of Uni Timor Aswain (UNTAS).

3. Over the course of this visit, numerous issues of concern were discussed. Permit me to highlight some areas of interest, namely:

(a) The need for sustained and enhanced efforts by the Government of Indonesia, UNTAET and the international community to urgently and comprehensively overcome the question of East Timorese refugees which has brought complex ramifications;

(b) The need for renewed concerted efforts by all concerned to address the various factors behind the East Timorese refugees issue, inter alia, security and safety in the camps and uncertainty about the situation in East Timor. Indonesia for its part will continue to take steps to further enhance the security conditions in the camps. My Government also deems it important that better and more complete information be provided to the refugees about the prevailing situation in East Timor in order to address their expressed concerns about their future safety and security in East Timor;

(c) The importance of cooperation between the Government of Indonesia and relevant international humanitarian agencies in facilitating the registration of the refugees as a way to determine whether their intention is to return to East Timor or to remain in Indonesia based on the principle of freedom of choice. In the meantime, Indonesia will continue to facilitate ad hoc ("spontaneous") return of East Timorese refugees. Since 6 September 2000, some 1,400 such refugees have returned to East Timor;

(d) The need for the resumption of international assistance to the refugees to supplement the efforts of the Government of Indonesia;

(e) The importance of the ongoing as well as any possible future legal processes against those responsible for the killings of the three Office of the United Nations High Commissioner for Refugees (UNHCR) staff as well as against those who have committed serious crimes in the past in East Timor and those who have carried out intimidation against the refugees;

(f) The need for continued and enhanced talks between the Government of Indonesia and the United Nations Transitional Administration in East Timor (UNTAET) on residual issues that arise during the transition period. This involves, inter alia, putting into effect existing mechanisms for cooperation, including the Joint Border Committee which plans to convene a director-level meeting in the last week of November with a view to convening its first meeting during December;

(g) The need to intensively consider ways and means to facilitate and promote reconciliation among East Timorese which is vital for the future peace and stability of East Timor.

4. Finally, I should like to once again reaffirm the commitment of my Government to continuing this positive line of communication with the United Nations Security Council as reflected by the visit of the Mission.

Annex II

Statement by Ambassador Martin Andjaba, leader of the United Nations Security Council Mission to East Timor and Indonesia

(Jakarta, 17 November 2000)

The Security Council Mission visited West Timor and Jakarta from 14 to 17 November 2000 at the invitation of the Government of Indonesia, following a visit to East Timor. Members of the Mission expressed their gratitude to the Indonesian authorities for facilitating the visit, which allowed them to see at first hand the refugee situation in Kupang and Atambua. The discussions throughout were productive and welcome.

The Mission welcomes the efforts the Government of Indonesia is making to address the situation in West Timor. However, much remains to be done and the international community is prepared to work in cooperation with Indonesia to meet the remaining challenges.

In East Timor, the Mission was impressed by the progress made since 1999. They commended the Special Representative of the Secretary-General, Sergio Vieira de Mello, and the United Nations Transitional Administration in East Timor (UNTAET) staff on the accomplishments of UNTAET, and it commends the people of East Timor in their historic transition.

Over the past year, East Timor has begun rebuilding, over 170,000 refugees have returned, and the process of reconciliation is beginning. The Mission emphasizes that the twin tracks of justice and reconciliation are key to resolution of the present situation.

The Mission noted the efforts of the Government of Indonesia to resolve the refugee issue. It welcomed the steps taken by Indonesia towards the full implementation of Security Council resolution 1319 (2000), which calls, inter alia, for the immediate disarmament and disbandment of the militia. It is clear that the refugee problem raises complex issues. There is a pressing need to work together to facilitate the earliest possible registration, repatriation and resettlement of all the refugees, in conditions of safety and security.

The Mission was glad to hear that several hundred refugees had returned in recent weeks. However, information from refugees returning to East Timor indicates that intimidation is still present in the camps in West Timor. The intimidation must be stopped. Many refugees are saying they are frightened that they still do not have a free choice about their own future, and security in the camps remains uncertain. Furthermore, decisive action is necessary to deal with the remaining militias. The Mission welcomed the Government of Indonesia's commitment to addressing the problem of continued intimidation in the camps.

Members of the Mission expressed the hope that the cases of Eurico Guterres and those responsible for the murders of three Office of the United Nations High Commissioner for Refugees (UNHCR) staff would proceed quickly. It also underscored the international community's interest in speedy progress in bringing to

justice those responsible for the deaths of the three UNHCR staff and two United Nations peacekeepers, and for the events of 1999.

The Mission took note of the request of the Indonesian Attorney-General, Marzuki Darusman, for international assistance in ensuring adequate expertise in bringing to justice those responsible for human rights violations. The Mission welcomes the passage of the recent human rights law and awaits the early establishment of the ad hoc courts. Mr. Darusman also indicated his intention to work closely with the Office of the United Nations High Commissioner for Human Rights and to establish a referral commission that included international experts. The Mission welcomed this effort and recommended consideration of his specific request.

There was agreement on the high priority of resuming international assistance to the refugees to supplement the efforts of the Government of Indonesia. For this to happen, the security of international humanitarian workers will need to be assured. The Government of Indonesia will be discussing with the United Nations offices in Jakarta arrangements to facilitate an assessment by United Nations security experts of the situation in West Timor, in cooperation with the police, the Indonesian Armed Forces (TNI) and other responsible authorities.

The Mission underscored the importance of internationally observed registration of the refugees, a view which is shared by the Government of Indonesia. Those refugees who want to stay and those who want to return must be given fair treatment and support. The Mission encouraged the Government to promulgate a detailed plan for registration, return and resettlement. The Mission also encourages continued discussions on this issue with UNHCR and the International Organization for Migration (IOM).

The Mission believes that ad hoc returns, under international supervision, can be an important factor in helping to creating the conditions necessary for resolving the issue. In this context, it welcomes plans for the imminent return of the ex-TNI reservists from East Timor (MILSAS) group.

The Mission welcomed the statements by East Timorese leaders that they were anxious to welcome the refugees back and to pursue reconciliation. The Mission emphasizes the importance of providing better information to the refugees, and of supporting efforts by church and other communities to achieve this.

Both sides stressed the need for continued and enhanced talks between the Government of Indonesia and UNTAET on residual issues that will arise during the transition period. This involves, inter alia, putting into effect existing mechanisms for cooperation, including the Joint Border Commission. The Mission welcomes the Government of Indonesia's willingness to hold a meeting of the Joint Border Commission in November.

The Mission will be making its report to the Security Council on 20 November 2000.